

**APPALACHIAN CHRISTIAN VILLAGE - REQUEST FOR SECTION 26A
APPROVAL FOR ADJACENT WETLAND FILL
AND STREAM ENCAPSULATION – UNNAMED TRIBUTARY TO
SINKING CREEK AND WATAUGA RIVER, WASHINGTON
COUNTY, TENNESSEE – ADOPTION OF THE ENVIRONMENTAL
ASSESSMENT (EA) PREPARED BY THE UNITED STATES ARMY CORPS
OF ENGINEERS (USACE) AND FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

Purpose and Need

Appalachian Christian Village (ACV) proposes to build Maple Crest Retirement Community on a 14.3 acre site (the “Maple Crest property”) in the southern portion of Johnson City, Tennessee. This new retirement community would be located in a commercially developed area adjacent to the Pine Oaks community, presently operated by the applicant. ACV proposes to place fill on 0.60-acre of wetland adjacent to an unnamed tributary to Sinking Creek. The wetland would be permanently filled with construction grade fill material. The applicant also proposes to place a 36-inch reinforced concrete culvert and encapsulate approximately 140 feet of this tributary stream. Some wetland and stream functions and values would be lost. The applicant and local economy would benefit from revenue and increased employment, sales and tax base for Washington County and the city of Johnson City. Construction of an obstruction and placement of fill in the floodplain both require a Tennessee Valley Authority (TVA) Section 26a approval.

ACV has considered other sites available in the area and has stated that alternative sites are not economically practicable or desirable for this project. The applicant has indicated that without the proposed wetland fill and stream encapsulation, the project is not economically feasible. Because the wetland and stream impacts did not qualify the project for a Nationwide Permit, USACE, in cooperation with TVA, prepared an environmental assessment on this proposal.

Alternatives

USACE considered three alternatives: no action, applicant’s proposed action and approval of the project with modifications or conditions. As described in the attached EA, TVA believes these alternatives cover a reasonable range of actions that address the applicant’s purpose and need for the project.

Affected Environment and Impacts

This site is bounded by University Parkway and Lafe Cox Drive. This property was previously part of a residential parcel and is zoned (R-5) by the city of Johnson City. It has been affected by adjacent upstream land use (golf course, church campus, parking lot) and downstream development (shopping center and interstate). The general surrounding environs are characterized by commercial development intermingled with pastureland, young to mature mixed hardwood woodlots and old fields. Mesic upland ridges lie to the northwestern and southeastern while the jurisdictional wetland and stream occur in a small valley. The small wetland contains a combination of scrub-shrub and emergent habitats and is primarily supported by over bank flooding from the stream channel that bisects it. Although of marginal wildlife habitat value, this wetland would be filled and would no longer provide filtration of water (color, odor, nutrients,

etc.) prior to entering the tributary of Sinking Creek, a state Section 303(d) listed stream. The tributary stream passes through a culvert before it reaches the Maple Crest property and flows into another culvert as it leaves the property. This wetland area provides the only open water habitat between existing upstream and downstream encapsulations of this unnamed tributary. But, overall habitat value of this wetland is relatively low. Wetland loss would be mitigated through purchase of sufficient credits at the Indian Creek wetland mitigation bank.

The entire length of stream (140 feet) across this property would be placed in a reinforced concrete culvert causing a reduction in its temperature. The aquatic habitat available is not high quality between two piped channels. Loss of stream habitat value would be mitigated by payment to the Tennessee Stream Mitigation Program. Since Sinking Creek is on the state's Section 303(d) list, it is imperative that ACV observe all conditions in the Section 401 Water Quality Certification (WQC) issued by Tennessee Department of Environment and Conservation (TDEC) to the applicant on July 30, 2004, certifying that water quality standards will not be violated if the work is conducted in accordance with the certification. Both long-term water quality effects from wetland fill and stream encapsulation, with mitigation as proposed, would be negligible. Strict adherence to erosion control conditions required by USACE and TDEC would ensure that this project does not contribute to a worsening of conditions in Sinking Creek.

USACE and TVA have issued several permits in this general area in the past requiring adequate compensatory mitigation to reduce project impacts to levels of insignificance. Considering past, present, and future proposals, there would be only minimal cumulative impacts associated with the wetland fill and stream encapsulation associated with the ACV proposal.

Public Review

On June 24, 2004, USACE issued Joint Public Notice No. 04-43 to advertise the proposed work. The notice was distributed to a wide list of interested parties. The Tennessee Historical Commission (THC) and U.S. Fish and Wildlife Service (USFWS) commented in response to the public notice. By letter dated June 29, 2004, THC stated that the project area (14.3 acre site) contains no archaeological resources eligible for listing in the National Register of Historic Places and it had no objection to the implementation of the project. By letter dated July 21, 2004, USFWS stated that based on their records, it is their belief that there are no federally listed or proposed endangered or threatened plant or animal species in the impact area of the project, and that requirements of Section 7 of the Endangered Species Act of 1973, as amended, are fulfilled. Copies of comments are included in Appendix D of the attached EA. Also, see the TDEC Section 401 WQC in Appendix C. No additional comments were received.

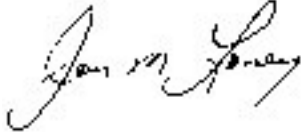
Mitigation

Because it is not feasible to mitigate project impacts onsite, the agencies will require ACV to mitigate lost stream and wetland values by payment of \$28,000.00 to the Tennessee Stream Mitigation Program and by purchasing 1.20 credits from the Indian Creek Advance Wetland Mitigation Site in Oliver Springs, Roane County, Tennessee.

USACE and TVA authorization will require that conditions of the state's Section 401 WQC be followed.

Conclusion and Findings

Based on the attached EA prepared by USACE, including the described wetland and stream impact mitigation measures, TVA concludes that approval of this minor wetland fill and stream obstruction proposal would not be a major federal action significantly affecting the quality of the environment. Accordingly, an environmental impact statement is not required.



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October 21, 2004

Date